

## **REMARKS**

As a preliminary matter, based on the examiner's objection to the title, the Applicants have amended the title to be more descriptive adding the language "with Molded Reinforcing Structures" after the word Pallet.

Turning to the substantive rejections, the Examiner has rejected claims 1-6, 9, 11, 19 and 22 as anticipated by U.S. Patent No. 5,964,162, hereinafter the '162 patent. This patent, however, is typical of the prior art in that it includes downwardly extending legs connected by thin slat-like members. As is best seen in Fig. 1 of the '162 patent, these slat-like members extend across the entire width of the '162 pallet making the pallet susceptible to bending or buckling between the legs. With continued reference to Fig. 1 of the '162 patent, it can be seen that this patent does not disclose a trench formed centrally within the deck having raised and recessed areas formed on both sides thereof, as claimed in claim 3.

The Examiner has referred to a middle section of the '162 patent as forming the trench. But, as can be seen in Fig. 1 or Fig. 5, the middle section of the '162 patent's deck has raised sections on both of its sides. Consequently, the limitation that raised and recessed areas being formed on both sides of the trench are not disclosed and, therefore, the '162 patent does not anticipate this claim. To that end, the Applicants have rewritten claim 3 in independent form. The Applicants have also provided new claim 23 for the Examiner's consideration. This claim describes the trench, as being formed independent of the alternating pattern of raised and recessed areas and having legs extending downwardly therefrom. In contrast to the '162 patent, the upstanding walls of the trench add strength, resisting bending between the legs of the '162 patent.

The applicant has also provided new claims 24 and 25 for the Examiner's consideration. Claim 24 claims the feature of having a deck with plural raised and recessed areas arranged in an alternating pattern, where the pattern alternates in two

directions. Claim 25 depends from claim 24 and includes the further limitation that the raised and recessed areas are arranged in rows and columns and alternate with respect to each other along both the rows and the columns. In contrast, the raised and recessed areas in the '162 patent alternate only in the lengthwise direction making it more susceptible to bending along lines perpendicular to the direction of alternation.

The Examiner has argued that the '162 patent shows four columns extending upwardly from the base of the trench and spacers extending upward from the base of the trench. The Applicants respectfully disagree. As best seen in Fig. 2, which is a section taken along the recessed portion of the deck of the '162 patent, those structures extend upwardly from the base of the recessed portion and thus no support columns or spacers are shown. Similarly, in Fig. 5, no raised structures are formed within the recessed portions 33. Consequently, claims 4, 5, and 6 are not anticipated by the '162 patent.

In reviewing claim 4, the Applicants noticed a typographical error in line 2 of that claim following the word, "adjacent," the word "a" has been replaced with the word "to."

The Examiner rejected claims 7-8, 10, 12-18, 20 and 21 as obvious over the '162 patent in view of U.S. Patent No. 5,566,624, hereinafter the '624 patent. With respect to claim 7, the Applicants respectfully disagree because neither the '162 patent nor the '624 patent discloses a trench as claimed.

With respect to claim 10, the Examiner has not explained how one of ordinary skill would combine the '162 and '624 patents to arrive at the invention claimed. In particular, the Examiner states only that the '624 provides disclosure of folds, holds and drainage structures, but makes no mention of the arrangement of legs. While Brown shows an arrangement of legs as described in claim 10, the Applicants do not believe that one of ordinary skill would combine these two patents because they represent independent approaches to the problem of strengthening the deck. As a first matter, the '162 patent deals with a pulp or paper formed pallet. In contrast, the '624 patent is made of

thermoformed plastic. The '624 patent achieves deck strength by using a twin-sheet deck that has supporting rib-like structures formed between the two sheets. While this provides strength, the twin-sheet design adds weight. In contrast, the '162 patent shows two embodiments that both use three rows of supports to provide strength to the deck. In the first embodiment, top and bottom forms are interlocked to form the three continuous rows of supports. In the second embodiment (Fig. 5), three continuous rows of downwardly extending legs are provided. Therefore, the '162 patent only contemplates two spaces defined between the continuous rows. While the '624 patent defines spaces between both a central row of legs and a central column of legs to provide lift access from any side of the pallet, one of ordinary skill would not consider combining these two patents because of the different problems faced by each. If the leg structure of the '624 patent were incorporated into the '162 patent, the deck would be greatly weakened because it would lack the structures that it relies on for support. Since these patents represent two divergent teachings on how to strengthen the deck, the applicant believes that one of ordinary skill would not consider combining them.

With respect to claim 18, neither the '162 patent nor the '624 patent shows a hold as claimed. In particular, neither patent discloses an opening formed in the deck that provides a hold.

With respect to claim 21, the Applicants respectfully disagree with this rejection because the '624 patent does not provide a teaching of a pallet being formed as a unitary structure. In particular, while the '624 patent describes the pallet as a unitary object, it is constructed from two sheets. To better distinguish the invention claimed in claim 21, the Applicants have amended this claim to state that the pallet is formed as a unitary structure from a single billet of material.

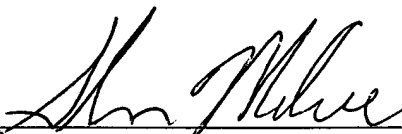
Finally, the Applicants have added new claim 25 which describes the pallet's feature of having raised and recessed areas having triangular-shaped webs. As

discussed on page 7, lines 16-20 of the specification, this shape improves material flow throughout the mold during molding process.

In light of the foregoing amendments and response, the applicant respectfully requests reconsideration of the Examiner's rejections. The Applicants believe that Claims 3-16, 18-19, 21, and 23-26 are in condition for allowance and respectfully requests the issuance of a formal Notice of Allowance of these claims.

The fee of \$100 for one new independent claims in excess of three is enclosed herewith. In the event the fee is insufficient, the Commissioner is authorized to charge Deposit Account No. 18-0987 to pay any deficiency.

Respectfully submitted,



---

Edward G. Greive, Reg. No. 24,726  
Shannon V. McCue, Reg. No. 42,859  
Renner, Kenner, Greive, Bobak, Taylor & Weber  
Fourth Floor, First National Tower  
Akron, Ohio 44308-1456  
Telephone: (330) 376-1242

Attorneys for Applicants

August 2, 2005